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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,894	06/20/2003	Holger Listle	10191/3186	5906
26646	7590	12/01/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			NGUYEN, THU V	
			ART UNIT	PAPER NUMBER
			3661	
DATE MAILED: 12/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,894

Applicant(s)

LISTLE ET AL.

Examiner

Thu Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed on August 5, 2005 has been entered. By this amendment, claims 1-10, 12-15 are now pending in the application, claims 1-10, 12-14 are withdrawn from consideration.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyaki (US 2002/0130906) in view of Yokota et al (US 6,640,185) and further in view of Noble et al (US 2003/0085910) and Shmueli et al (US 2002/0145632).

As per claim 15, Miyaki teaches a driver information device comprising: a map display with special objects represented on the display by symbols (para 0003); a common indicator symbol in the map assigned to multiple symbols in one or a pre-selected radius of a location, a selection of the indicator symbol enabling a display of a list menu containing information about the special objects (abstract; para 0044-0045). Miyaki does not explicitly disclose that the menu should be a selection menu and the selection is displayed on the map display. However, Miyami teaches superimposing a menu on the map (page 0045), moreover, Yokota suggests displaying the special object symbols in a selectable menu 120-122 (fig. 12B), Noble teaches

displaying the indicator symbol 104 (fig.2) at the same location on the map (fig.2) and Shmueli teaches displaying a selection menu 88-92 (fig.6) with a symbol 86 (fig.6) displayable at the same location on the display and embedded in the selection menu (fig.6). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to display the menu of Miyaki as selectable menu as taught by Yokota and to display the menu embedding the symbol at the same location on the map as taught by the combined teaching of Noble and Shmueli in order to allow the user to obtain more information on an interested point of interest at the area the point of interest is located.

Response to Arguments

In response to applicant's argument on page 6 first paragraph, Miyaki at least teaches using multiple icon for displaying a menu of fig.9B and superimposing the menu 9B to the map display (para 0045). Miyaki does not teaches that the menu 9B is selectable, however, Yokota teaches implementing such the selectable capability to the menu (fig.12B), an ordinary person skilled in the art would be able to implement the selection taught by Yokota to the menu 9B of Miyaki and the menu taught by Miyaki can be superimposed on the map as taught by Miyaki in para 0045. The menu selection is taught by the combined teaching of Miyaki and Yokota, Noble teaches displaying the indicator symbol at the same location when a menu is displayed (fig.2) and embedding the indicator symbol on the menu is taught by Shmueli. Although Yokota, Noble and Shmueli do not teach the menu should be on the map, the menu taught by Miyaki in fig.9B is superimposed on the map (para 0045), other features concerning the appearance including icons,


details, the location, and the selective feature of the menu are already known in the arts as taught by Yokota, Noble and Shmueli, including such the features to the menu in fig.9B of Miyaki would have been obvious matter of design to an ordinary person skilled in the art at the time the invention was made from the available knowledge and suggestion concerning implementing the selective feature, displaying the indicator symbol, selecting the location of the symbol to be displayed on the menu and on the document (map page), and the location of the menu.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 25, 2005


THU V. NGUYEN
PRIMARY EXAMINER